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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,521	08/31/2001	James Grey	5150-49600	3260

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EXAMINER

BANANKHAH, MAJID A

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,521

Applicant(s)

GREY ET AL.

Examiner

Majid A Banankhah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

MAJID BANANKHAH
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/04/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to application filed on August 31 2001. Claims 1-27 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Triantafyllos (US Pat. No. 5,233,611, hereafter Triantafyllos).

Per claim 1, a computer-implemented method for executing a test executive sequence (the system of Triantafyllos), the method comprising:
executing a first test case program (test case program, see Abstract, and col. 2, lines 39-61), wherein the first test case program calls a second test case program (see, test 22 call a function within main test program, 4, lines 48-52);
executing the second test case in response to said executing the first test case program (main test program, col. 4, lines 48-52), wherein the second test executive sequence executes asynchronously from the first test executive sequence (see col. 6, line 60 continued on col. 7, line 10, load and execute application program asynchronously).

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The system of Triantafyllos teaches of “test case program” and fails to explicitly teach o “test executive sequence”. However, the “test case program” includes a sequence of command to input a keystroke to the application under test and therefore, has ” the same functionality as the “test executive program”. Therefore, it would have been obvious for one ordinary skill in the art at the time the invention was made to use “test case program” of the system of Triantafyllos for the reason that the user can specifies for execution of the application under test.

Per claim 2, in the system of Triantafyllos, the test case program and main test programs are designed to test the unit under test (See the background the test case program that functionally test the device under test).

Per claim 3, the test programs are interacting with a at least one hardware device under test because in the system of Triantafyllos, the application under test can be the application of any hardware such as any hardware of the computer system or another computer system (See also col. 2, lines 7-13, DUT).

Per claim 4, since in the system of Triantafyllos the first test case and application program performs are executed asynchronously (independent from each other), therefore, the first text case can be executing without waiting for the main test program (see col. 6, lines 61 to col. 7, lines 10).

Per claim 5, I the system of Triantafyllos, text case is a set of command and is not limited to one test step. Each command can reformat the keystroke and can consists of several steps. Regarding

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executing after beginning of the second test executive sequence, as it was established in the rejection of claim 4, the two test cases are executing asynchronously, therefore, the first one can run after second one has started and without waiting for the second test case step to be completed. .

Per claim 6, in the system of Triantafyllos, the first test case calls the second text case (see col. 4, lines 40-61).

Per claim 7, the first test case program, main program, is performed by different threads (see, Fig.3, 70, 72, 74).

Per claim 8, as it is stated in the background (col. 2, lines 13-20) using two computer system for testing a device under test is well known in the art and according to Triantafyllos, there overhead associated with it, but the system of Triantafyllos is capable of performing the first and second test executive in tow different computer system.

Per claim 9, the creation of the first test executive is configured in response to the user input in the system of Triantafyllos (see, col. 1, lines 9-12, and col. 57-61). For asynchronous call to the second test case, see col. 4, lines 41-56.

Per claim 10, the function called by the call statement contains the subsequence (contain all information that the function need to carryout the task, col. 4, lines 48-52).

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Per claim 11, the system of Triantafyllos, the first test case can be executed even after the call is made for the main because the second test case is called asynchronous with respect to the first one except when the result of the first test case depend on the second. In that case the first test case waits until the second test case is completed (See Triantafyllos, col. 9, lines 45-55)

Per claims 12-13, the wait step and being operable to wait for the second test case is taught by Triantafyllos in col. 10 , lines 57-67.

Per claim 13, please see the rejection of claims 11 and 12.

Per claim 14, please see the rejection of claim 11.

Per claim 15, the completion of the second test case after the first test case in response to a user input is taught by Triantafyllos in 10, lines 4-15.

Per claim 16, please see the rejection of claim 1.

Per claim 17, please see the rejection of claim 5.

Per claim 18, please see the rejection of claim 1 and 16.

Per claim 19, please see the rejection of claim 3.

Per claim 20, please see the rejection of claim 4.

Per claim 21, please see the rejection of claim 5.

Per claim 22, please see the rejection of claim 6.

Per claim 23, please see the rejection of claim 7.

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Per claim 24, please see the rejection of claim 8.

Per claim 25, please see the rejection of claim 1, and 16.

Per claim 26, please see the rejection of claim 10 and 11.

Per claim 27, please see the rejection of claim 1 and 16.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Majid A. Banankhah** whose telephone number is (571) 272-3770. The examiner can normally be reached on Monday – Friday, 7:00 AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Meng-Ai An** can be reached on (571) 272-3756.

Any inquiry of a general nature or relating to the status of this application should be directed to the **TC2100 Group** receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Maid Banankhah

3/17/05

MAJID BANANKHAH
PRIMARY EXAMINER
